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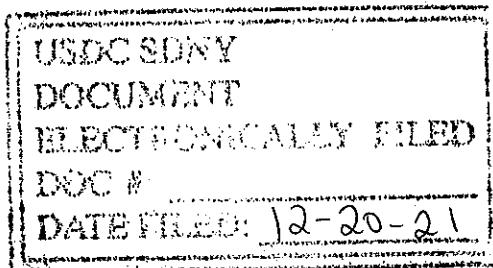
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December 17, 2021

VIA ECF

The Honorable Loretta A. Preska
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007



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Re: *Greenberg, et al. v. Citibank, N.A.*, No. 1:21-cv-08740-LAP (S.D.N.Y.)

Dear Judge Preska,

We represent Defendant Citibank, N.A. (“Citibank”) in the above-captioned matter. We write to respectfully request that the Court enter a stay of proceedings in this matter pending the resolution of Bank of America’s appeal to the Second Circuit in *Hymes v. Bank of America, N.A.*, No. 1:18-cv-02352 (E.D.N.Y.). We have conferred with counsel for Plaintiffs, and Plaintiffs do not oppose this request.

As in *Hymes*, Plaintiffs here allege a violation of New York General Obligations Law § 5-601, which purports to require the payment of interest on escrow accounts maintained in connection with mortgage loans. *See* Compl. ¶ 1 (ECF 1). Further, as in *Hymes*, a core question in this case is whether the National Banking Act preempts the New York General Obligations Law § 5-601 on this issue.

In related case *347 Townhouse, LLC, et al. v. Citibank, N.A.*, No. 1:19-cv-00542-LAP (S.D.N.Y.), in which Citibank is also the defendant, this Court similarly took “off the calendar” the motion to dismiss briefing, pending the resolution of *Hymes*, because of the centrality of the issue before the Second Circuit. *See 347 Townhouse, LLC, et al. v. Citibank, N.A.*, No. 1:19-cv-00542-LAP, Order (S.D.N.Y. Sept. 22, 2022) (ECF 58). Incorporating the reasons for the Court’s stay in *347 Townhouse, LLC*, and on the basis of the significance of the question before the Second Circuit in *Hymes*, Citibank respectfully requests a stay of proceedings in this case pending resolution of the appeal in *Hymes*.

Respectfully submitted,

/s/ Jennifer M. Rosa

Jennifer M. Rosa

Attorney for Defendant Citibank, N.A.

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

12/20/21

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